

USADA / Landis Arbitration
May 14 - 23, 2007
USADA's Closing Statement

WADA TD2004EAAS:

THE WADA CRITERIA CONTROLS IN THIS CASE

The results will be reported as consistent with the administration of a steroid when the $^{13}\text{C}/^{12}\text{C}$ value measured for the metabolite(s) differs significantly i.e. by 3 delta units or more from that of the urinary reference steroid chosen. In some *Samples*, the measure of the $^{13}\text{C}/^{12}\text{C}$ value of the urinary reference steroid(s) may not be possible due to their low concentration. The results of such analyses will be reported as "inconclusive" unless the ratio measured for the metabolite(s) is below -28‰ based on non-derivatised steroid.

THE EVIDENCE CONFIRMS THE ADVERSE ANALYTICAL FINDING

	5 alpha diol - PdIol	5 beta diol - PdIol	Andro - 11 ketoetio	Etio - 11 ketoetio
Respondent A sample	-6.14	-2.15	-3.99	-2.58
Respondent B sample	-6.39	-2.65	-3.51	-2.02

Table of A & B Results

File Edit View Calculate Report Parameters Status Help

Date Filename: DATA_009

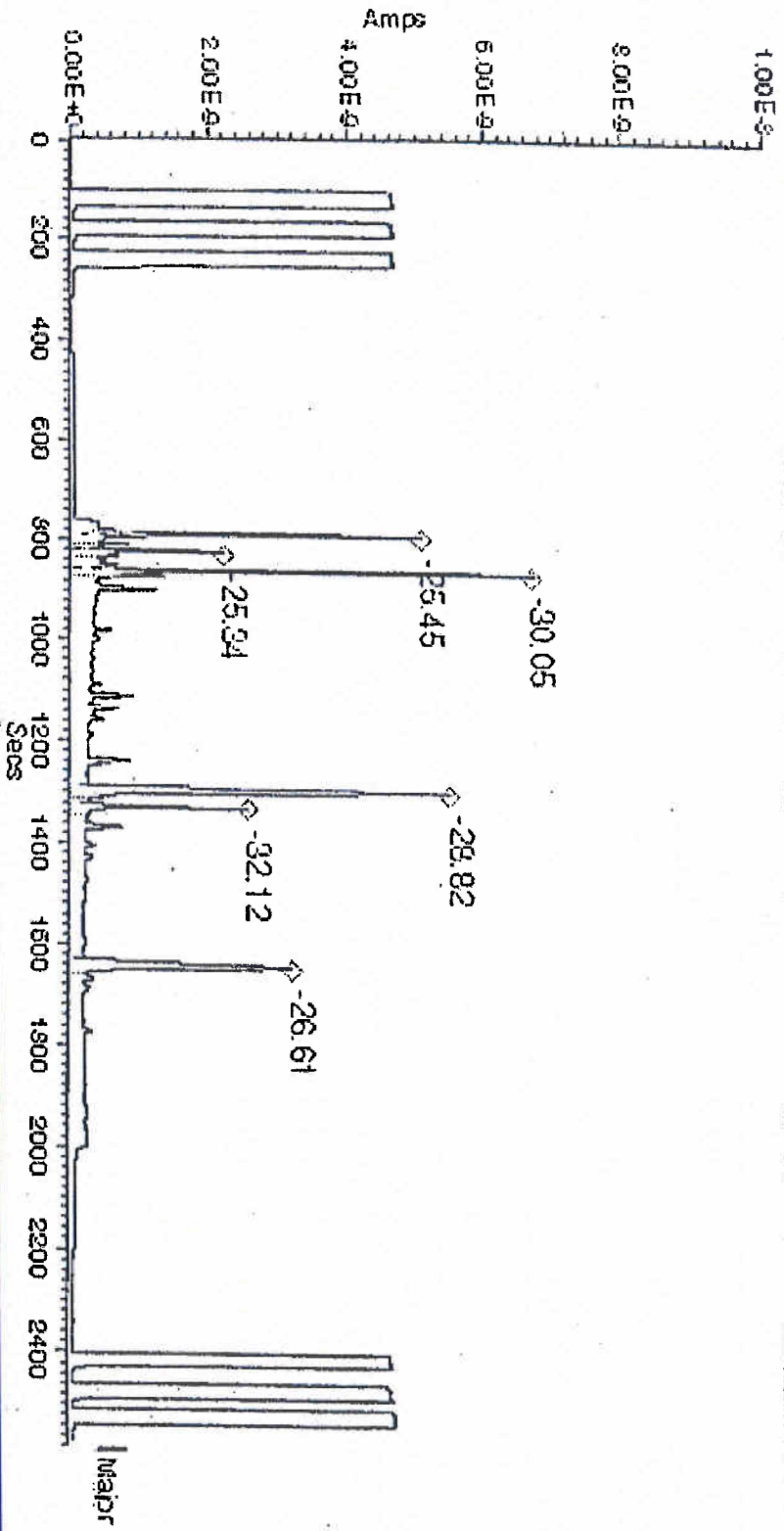
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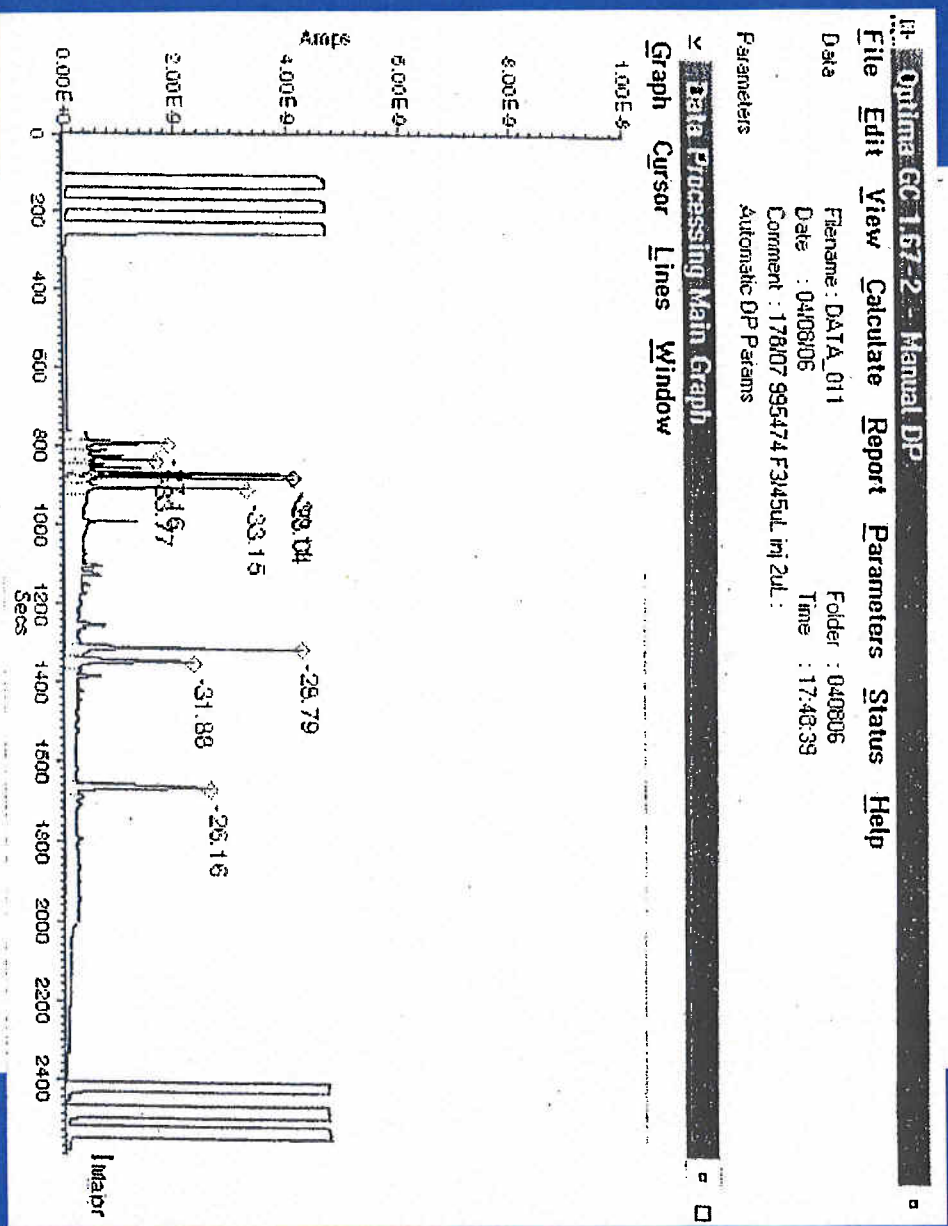
Parameters Automatic DP Params

Data Processing Main Graph

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THE KEY A & B CHROMATOGRAMS ARE PROOF POSITIVE



USADA 0349

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Exh. 25, USADA0349

UCI CYCLING REGULATIONS

Event:

A single *Competition* organized separately (for example: a one day road race, a stage race) or a series of *Competitions* conducted together as a single organization (for example: road World Championships, track World Championships, a track World Cup event); a reference to *Event* includes reference to *Competition* and *Race*, unless the context indicates otherwise.

In-Competition:

In-Competition refers to the period that starts one day before or, in the case of a major tour, three days before the day of the start of an *Event* and finishing at midnight of the day on which the *Event* finishes.

However, regarding the *Presence* or *Use* of a prohibited substance as defined in the *Prohibited List*, *In-Competition* refers to the period starting 8 (eight) hours before the start of a *Race* in which the *Rider* is competing or for which he has been confirmed as a starter and finishing at the end of the *Post-Competition* testing session that is organized following the *Race*.

International Standards:

Standards adopted by WADA in support of the Code. Compliance with the *International Standards* (as opposed to other alternative standards, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standards* were performed properly.

UNLESS THESE MONITORING RULES, MEASUREMENTS OR SUSPENSIONS ARE DESCRIBED IN ARTICLE 12.1.033 OF THE UCI CYCLING REGULATIONS.

Ineligibility also means that the *Licenseholder* is barred, for the period of *Ineligibility*, from participating in any *Competition* or other activity organized or authorized by any *Signatory* or *Signatory's* member organization, and from any funding as provided in article 10.9 of the Code.

International Event / Competition / Race:

An *Event*, *Competition*, *Race* of the international calendar of the UCI.

International Standards:

Standards adopted by WADA in support of the Code. Compliance with the *International Standards* (as opposed to other alternative standards, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standards* were performed properly.

UCI CYCLING REGULATIONS

Methods of establishing facts and presumptions

17. Facts related to anti-doping rule violations may be established by any reliable means, including admissions.

18. WADA-accredited laboratories or as otherwise approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the *International Standard for Laboratory analysis*. The Rider may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the Rider rebuts the preceding presumption by showing that a departure from the *International*

18. WADA-accredited laboratories or as otherwise approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the *International Standard* for Laboratory analysis. The Rider may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the Rider rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then the UCI or the National Federation shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

CHAPTER 10. PROHIBITED LIST

21. These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in article 4.1 of the Code. The UCI will publish the current *Prohibited List* also in UCI's Official News Bulletin.

- Comment:*
- 1) the *Prohibited List* currently in force may also be found on UCI's website at www.uci.ch.
 - 2) Most sections of the *Prohibited List* refer to categories of *Prohibited Substances* or *Prohibited Methods*, while only a limited number of these *Substances* or *Methods* are listed under that category; yet other *Substances* or *Methods* than those recited are prohibited as is indicated for the respective categories.

SCIENTIFICALLY SOUND PROCESS

7.10. The data summarized in the above two tables allow to draw the following observation:

- a) the difference of the δ values between pregnanediol and 5-alpha-diol is always greater than 3, for both the "A" and the "B" sample, regardless the protocol followed to process/reprocess the relevant EDF;
- b) the difference of δ values between pregnanediol and 5-alpha-diol is maximal if the EDFs are reprocessed by the new instrument, both on the "A" and on the "B" samples;
- c) the difference of the δ values of 11-keto- β -etiocholanolone and etiocholanolone is always smaller than 3, for both the "A" and the "B" sample, regardless the protocol followed to process/reprocess the relevant EDF;
- d) both on the "A" and on the "B" samples, the difference of the δ values of 11-

7.11. The above data also show that the manual subtraction of the background performed by the Paris laboratory, apart from being covered by their internal Standard Operating Procedures, appears to be a scientifically sound process, aimed to improve the quality of the signal and, therefore, the reliability of the obtained results, and not to alter the results of the analysis. This is particularly evident if one considers that the

- a) alpha-diol greater than 3 also for the negative reference urine;
- b) data obtained by the reprocessing of the EDFs on the new instrument gave rise, on the occasion of the analysis of the "B" sample, to a value of the δ difference between pregnanediol and 5-alpha-diol greater than 3 also for the negative reference urine.

7.11. The above data also show that the manual subtraction of the background performed by the Paris laboratory, apart from being covered by their internal Standard Operating Procedures, appears to be a scientifically sound process, aimed to improve the quality of the signal and, therefore, the reliability of the obtained results, and not to alter the results of the analysis. This is particularly evident if one considers that the totally automatic reprocessing of the EDFs on the old instrument gave rise to a value of the difference between pregnanediol and 5-alpha-diol greater than 3 also for the negative reference urine, both on the occasion of the "A" and the "B" sample analysis.

7.12. Apart from the numeric data, the appropriateness of the manual subtraction of the background is also evident from the comparison, between the manual and the automatic subtraction of the background, of the baseline of the upper part of the plots reported on the graphical page of the relevant, reprocessed outputs.

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MANUAL PROCESSING OF DATA IS NOT AN ISL VIOLATION

passwords or other means of employee recognition and identification. These include, but are not limited to account privileges, user identification codes, disk access, and file access control.

5.4.4.1.2 The operating software and all files shall be backed up on a regular basis and a current copy kept off site at a secure location.

5.4.4.1.4 All data entry, recording of reporting processes and all changes to reported data shall be recorded with an audit trail. This shall include the date and time, the information that was changed, and the individual performing the task.

Programs for the maintenance and calibration of equipment according to ISO 17025 Section 5.5.

5.4.5.3 General service equipment that is not used for making measurements should be maintained by visual examination, safety checks, and cleaning as necessary. Calibrations are only required where the setting can significantly change the test result. A maintenance schedule shall be established for items such as fume hoods, centrifuges, evaporators, etc, which are used in the test method.

5.4.5.4 Equipment or volumetric devices used in measuring shall have periodic performance checks along with servicing, cleaning, and repair.

5.4.5.5 Qualified subcontracted vendors may be used to service, maintain, and repair measuring equipment.

5.4.5.6 All maintenance, service, and repair of equipment must be documented.

The Separate Phases of Analysis

Sample	Date	Results
A Sample	July 25, 2006	ETF*
B Sample	August 5, 2006	ETF*
Reprocessing	May 4-5, 2007	ETF* (4 Ways in both A & B)
Further Analysis	April 16-23, 2007	ETF* (4 Samples)

***ETF: Exogenous Testosterone Found**

REPROCESSING VALIDATES RESULTS

996474	Original Result	Auto	Manual	Zero	Masslynx
A Sample					
E-11K	-2.58	-1.72	-2.32	-1.76	-2.18
A-11K	-3.99	-3.14	-3.65	-2.94	-3.78
5B-P	-2.15	-1.70	-2.65	-2.08	-2.63
5A-P	-6.14	-5.60	-6.95	-5.85	-7.22
B Sample					
E-11K	-2.02	-0.32	-0.35	-1.66	-2.39
A-11K	-3.51	-1.67	-1.61	-2.81	-4.01
5B-P	-2.65	-3.37	-3.05	-2.33	-2.80
5A-P	-6.39	-7.81	-7.19	-5.58	-7.09

Blanks	Original Result	Auto	Manual	Zero	Masslynx
A Sample					
E-11K	-0.87	-0.51	-0.56	-0.06	0.09
A-11K	-0.48	-0.49	-0.53	-0.02	-0.59
5B-P	-0.55	-0.82	-0.27	-0.47	-1.00
5A-P	-1.59	-3.65	-1.87	-1.46	-2.45
B Sample					
E-11K	-1.08	-1.11	-0.94	-0.25	-0.51
A-11K	-0.08	0.03	0.17	0.83	0.55
5B-P	-0.67	-1.33	-0.69	-0.54	-1.52
5A-P	-1.60	-3.45	-1.89	-1.24	-3.66

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MULTIPLE LAYERS OF CORROBORATING EVIDENCE

Table 3

Collection Date	Blind Sample #	UCT Sample #	Salpha diol-Pdiol	Sbeta diol-Pdiol	Andro-11 Keto	Etio-11 Keto	LNDD Page #
7/3/2006	993865	995462	—	-1.04	0.22	-0.95	LNDD1488
7/11/2006	993856	994203	-2.91	-1.05	-0.25	-1.29	LNDD1391
7/13/2006	993855	994277	-4.62	-4.09	-1.99	-2.32	LNDD1106
7/14/2006	825425	994276	-1.01	-0.70	-1.70	-1.04	LNDD1297
7/18/2006	825428	994075	-5.06	-3.56	-1.22	-1.89	LNDD0915
7/20/2006	*****	995474A	-6.14	-2.15	-3.99	-2.58	USADA0186
7/20/2006	*****	995474B	-6.39	-2.65	-3.51	-2.02	USADA0352
7/22/2006	825429	994080	-4.80	-1.67	-1.36	-1.68	LNDD1012
7/23/2006	825424	994171	-4.96	-1.45	-0.64	-1.43	LNDD0725
Aguilera	825427	**NL1**	-1.31	-0.95	0.00	-0.94	LNDD1582
Aguilera	825426	**NL2**	-0.77	-0.88	0.32	-0.74	LNDD0820
Aguilera	825423	**NL3**	-1.21	-0.79	0.09	-0.91	LNDD1203

FLOYD LANDIS

1. To: USA CYCLING
To Mr Special Agent
By fax: + 1 719 725 2028 + 1 219 866 4628

2. Copy: INTERNATIONAL CYCLING UNION (ICI)
To Mr Christian Vahri
By fax: + 41 24 458 5812

(a) USADA
To Mr Travis Tippet
By fax: + 1 719 585 2001

(b) LIND - Laboratoire National de Diagnostic de Dopage
To Mr Jacques de Ceauriz
By fax: + 33 1 4609 2617

(c) PHONAK HEARING SYSTEMS
To Mrs Monica Zuercher
By fax: + 41 55 247011

31st July 2002

Dear Sir:

I have received on the 26th July from my team PHONAK HEARING SYSTEMS copy of a letter sent by ICI the same day concerning my testing positive (T+) in the Tour de France on the stage of the 20th July.

By request of ICI letter:


(i) I am happy to provide the B sample analysis in accordance with article 191 and 193 (b) (ii) of the Anti Doping Rules (ADR).

(ii) I apologise for my lack of communication. Mr Luis Sant Hernandez and Mr Jose M Banares Madroñal, lawyers in Madrid (Spain), I request that my formal communication concerning this issue is sent to the latter (Mr Jose M Banares Madroñal) and Mr Mendonça Mendes, while José Ortega y Gasset Jr, Dr. Zivov, Madrid, T +34 91 4363322, F +34 91 4563129, e-mail: jim.kayser@intercalabsystems.com). According to article 198 ADR, they will attend the opening of sample B.

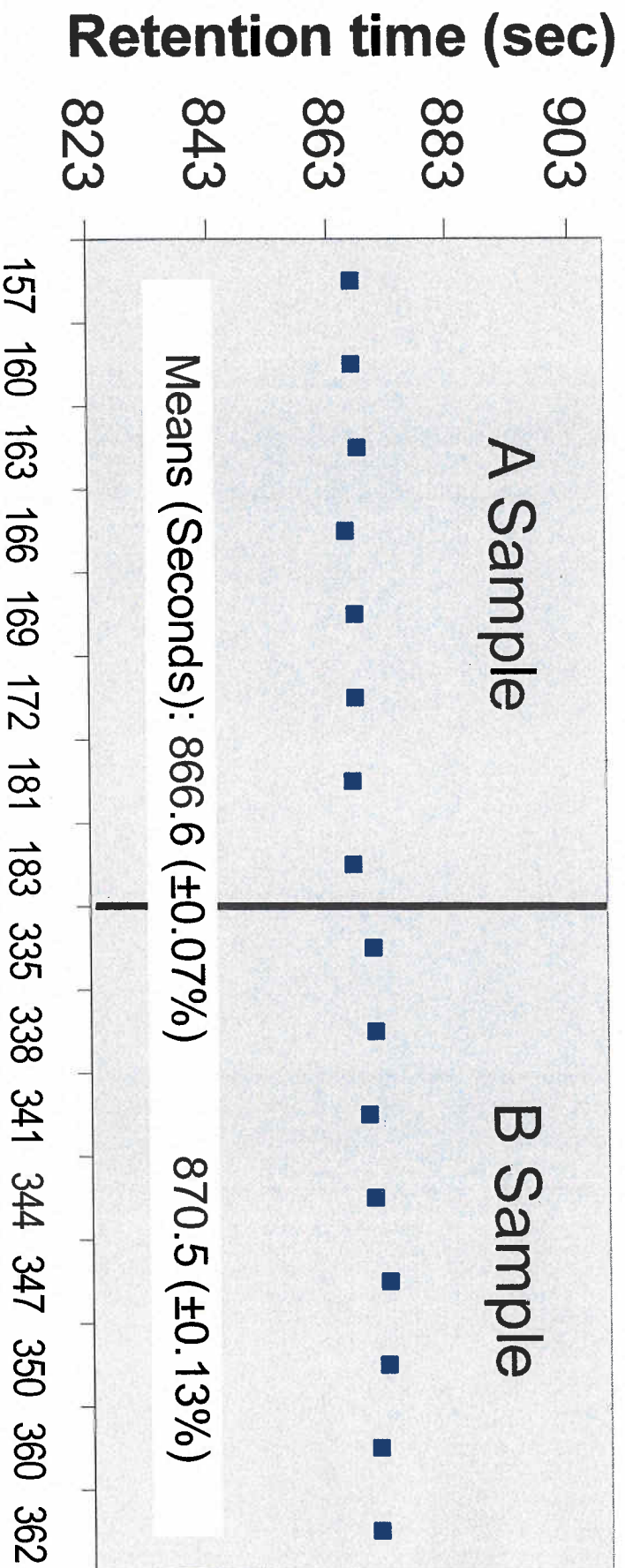
(iii) I agree that the ADR will attend the sample B analysis on my behalf. Dr. Devesse Et Descr, Department of Clinical Chemistry, University Hospital Mannheim.

(iv) I require a copy of the complete analysis report for sample A that should be sent to my legal representatives as soon as possible.

(v) I require from the medical services at the UCI a thorough endocrinological study to be carried out in a specialised medical centre in Europe and the United States.

Yours sincerely,

Floyd Landis
Licence: 00220372 - UCI Code: USA 19751014

Retention time for the internal standard, A and B samples





INTERNATIONAL CYCLING UNION

Holmes Roberts and Owen LLP
Mr. Richard Young Esq
Managing Partner
90 South Cascade Avenue,
Suite 1300
Colorado Springs, CO 80903
UNITED STATES of AMERICA

Aigle, 1 May 2007
Ref: Antidoping / AGr

Dear Mr Young,

Further to our telephone conversation this afternoon, I provide the information relating to the number and nature of Anti-Doping Rule Violations incurred by riders tested under UCI authority during the period 2002 to 2006.

The table below sets out the information requested.

Year	ADRVs	Total Anabolics (including Testosterone)	Testosterone
2002	111	23	5
2003	92	12	2
2004	89	4	1
2005	61	19	9
2006	43	9 (+ 5 in progress)	1 (+ 1 in progress)

I trust this information is of assistance. Please feel free to contact me further on the numbers below.

Yours sincerely,

Anne Gripper
Manager, Anti-Doping Services

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